

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.

2007 AUG 28 PM 4:37

CLERK  
SO. DIST. OF GA.

GEORGE A. BROWN,  
Petitioner,

v.

RALPH KEMP, Warden,  
JAMES E. DONALD, Commissioner of  
the Georgia Department of Corrections, et al.,  
Respondent.

Case No. CV407-118

**ORDER**

Petitioner, who is confined at the Wheeler Correctional Facility in Alamo, Georgia, seeks leave to file a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner, who is not represented by counsel, endeavors to attack a judgment of conviction entered by the Chatham County Superior Court on August 19, 2002. The Court *sua sponte* adds James E. Donald, Commissioner of the Georgia Department of Corrections as a respondent, as he is the state officer having custody of petitioner.

In accordance with Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts, a copy of the petition shall be served on the respondent and the Attorney General of the State of Georgia. The Clerk is hereby DIRECTED to forward to the Marshal sufficient copies of this Order and the petition for service upon the respondent by certified mail and

upon the Attorney General of the State of Georgia, directed to the attention of Deputy Attorney General Mary Beth Westmoreland, by regular mail. The Marshal's return shall constitute prima facie evidence of service of process.

Respondents are therefore ORDERED, within thirty days after service of this Order, to file a response and to show cause why the relief sought should not be granted. The answer shall conform to the requirements of Rule 5 of the Rules Governing § 2254 Cases in the United States District Court. Respondents shall furnish with the answer a copy of any trial transcripts, the transcripts of any state habeas corpus proceedings and orders of the state court denying the writ, and, if the petitioner appealed from the judgment of conviction or from an adverse judgment or order in a post-conviction proceeding, a copy of all appellate briefs and of the opinion of the appellate court, if any.

**SO ORDERED** this 22<sup>nd</sup> day of August, 2007.

  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA